

1 BILL NO. R-85-03-19

2 RESOLUTION NO. R 38-85

3 A RESOLUTION FINDING, DETERMINING  
4 AND RATIFYING AN INDUCEMENT RESOLUTION  
5 OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION  
6 AUTHORIZING THE ISSUANCE AND SALE OF  
7 \$1,000,000.00 ECONOMIC REVENUE BONDS OF THE  
8 CITY OF FORT WAYNE, INDIANA

9 FOR THE PURPOSE OF INDUCING THE APPLICANT  
10 PHD, INC.

11 TO PROCEED WITH THE ACQUISITION  
12 CONSTRUCTION AND EQUIPPING OF THE PROJECT

13 WHEREAS, the City of Fort Wayne, Indiana, (the "Issuer")  
14 is authorized by I.C. Sec. 36-7-12 (the "Act") to issue  
15 revenue bonds for the financing of economic development  
16 facilities, the funds from said financing to be used for the  
17 acquisition, construction and equipping of said facilities,  
18 and said facilities to be either sold or leased to another  
19 person or directly owned by another person; and

20 WHEREAS, PHD, Inc. (the "Applicant") has advised the  
21 Fort Wayne Economic Development Commission and the Issuer  
22 that it proposes that the Issuer acquire and equip an economic  
23 development facility and sell and/or lease the same to the  
24 Applicant or loan proceeds of an economic development financing  
25 to the Applicant for the same, said economic development  
26 facility to be acquisition of real estate and construction  
27 of an approximately 30,000 sq. ft. building together with  
28 acquisition of equipment and costs of issuance, located on  
29 6.43 acres near Baer Field Thruway and Airport Drive, Allen  
30 County, Indiana, as more particularly described on Exhibit  
31 "A" (the "Project"); and

32 WHEREAS, the diversification of industry and an increase  
in 8 full time and 5 part time jobs initially and 16 full  
time and 16 part time jobs within three years to be achieved  
by acquisition and construction and equipping of the Project  
will be of public benefit to the health, safety and general  
welfare of the Issuer and its citizens; and

1           WHEREAS, having received the advice of the Fort Wayne  
2 Economic Development Commission, it would appear that the  
3 financing of the Project would be of public benefit to the  
4 health, safety and general welfare of the Issuer and its  
5 citizens; and

6           WHEREAS, the acquisition and construction of the faci-  
7 lity will not have an adverse effect on any similar facility  
8 already constructed or operating in or about Fort Wayne,  
9 Indiana.

10          NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF  
11 THE CITY OF FORT WAYNE, INDIANA:

12          SECTION 1. The Common Council finds, determines, rati-  
13 fies and confirms the promotion of diversification of economic  
14 development and job opportunities in and near Fort Wayne,  
15 Indiana and in Allen County, is desirable to preserve the  
16 health, safety and general welfare of the citizens of the  
17 Issuer; and that it is in the public interest that Fort  
18 Wayne Economic Development Commission and said Issuer take  
19 such action as it lawfully may to encourage diversification  
20 of industry and promotion of job opportunities in and near  
21 said Issuer.

22          SECTION 2. The Economic Development Commission in  
23 recommending the project, found specifically that the project  
24 will not have an adverse competitive effect on similar  
25 facilities already constructed or operating in Allen County,  
26 Indiana, and the Common Council has also held a hearing and  
27 specifically finds that the project will not have an adverse  
28 competitive effect on similar facilities already constructed  
29 or operating in Allen County, Indiana.

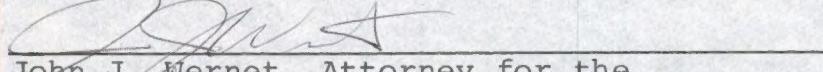
30          SECTION 3. The Common Council further finds, deter-  
31 mines, ratifies and confirms that the issuance and sale of  
32 revenue bonds in an amount not to exceed \$1,000,000.00 of the  
Issuer under the Act for the acquisition, construction and  
equipping of the Project and the sale or leasing of such a

1 financing to the Applicant for such purposes will serve the  
2 public purpose referred to above, in accordance with the Act.

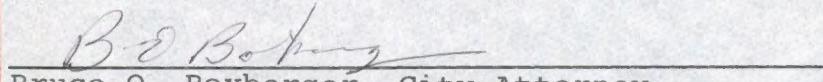
3 SECTION 4. In order to induce the Applicant to proceed  
4 with the acquisition, construction and equipping of the  
5 Project, the Common Council hereby finds, determines, ratifies  
6 and confirms that (i) it will take or cause to be taken such  
7 actions pursuant to the Act as may be required to implement  
8 the aforesaid financing, or as it may deem appropriate in  
9 pursuance thereof, provided that all of the foregoing shall  
10 be mutually acceptable to the Issuer and the Applicant; and  
11 (ii) it will adopt such ordinances and resolutions and  
12 authorize the execution and delivery of such instruments and  
13 the taking of such action as may be necessary and advisable  
14 for the authorization, issuance and sale of said economic  
15 development bonds.

16 SECTION 5. All costs of the Project incurred after the  
17 passage of this Inducement Resolution, including disbursement  
18 or repayment of the Applicant of monies expended by the  
19 Applicant for planning, engineering, interest paid during  
20 construction, underwriting expenses, attorney and bond  
21 counsel fees, acquisition, construction and equipping of the  
22 Project will be permitted to be included as part of the bond  
23 issue to finance said Project, and the Issuer will thereafter  
24 either sell or lease the same to the Applicant or loan the  
25 proceeds of such financing to the Applicant for the same  
26 purposes.

  
COUNCILMAN

28 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION  
29 AND APPROVED AS TO FORM.  


30 John J. Wernet, Attorney for the  
31 Economic Development Commission  
32 Dated this 11<sup>th</sup> day of March, 1985

32 APPROVED AS TO FORM AND LEGALITY.  


Bruce O. Boxberger, City Attorney  
Dated this 11<sup>th</sup> day of March, 1985

Read the first time in full and on motion by Gieske,  
seconded by Bradbury, and duly adopted, read the second time  
by title and referred to the Committee Finance (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M., E.S.

DATE: 3-12-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eisbark,  
seconded by Talarico, and duly adopted, placed on its  
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	—	—	—	—
<u>BRADBURY</u>	<u>✓</u>	—	—	—	—
<u>BURNS</u>	<u>✓</u>	—	—	—	—
<u>EISBART</u>	<u>✓</u>	—	—	—	—
<u>GiaQUINTA</u>	<u>✓</u>	—	—	—	—
<u>HENRY</u>	<u>✓</u>	—	—	—	—
<u>REDD</u>	<u>✓</u>	—	—	—	—
<u>SCHMIDT</u>	<u>✓</u>	—	—	—	—
<u>STIER</u>	<u>✓</u>	—	—	—	—
<u>TALARICO</u>	<u>✓</u>	—	—	—	—

DATE: 3-26-85

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. Q-38-85  
on the 26th day of March, 1985.

ATTEST:

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. GiaQuinta

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 27th day of March, 1985.  
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of March,  
1985, at the hour of 11:30 o'clock A.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

**zktazian**

ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46802  
PHONES: 219/424-3232  
219/426-0003

ZOHARB K. TAZIAN, P.E. & L.S.  
JOHN C. SAUER, L.S.  
KEVIN R. MICHEL, P.E.  
SAM L. FAUST, L.S.

CIVIL ENGINEERING SURVEYING  
LAND PLANNING

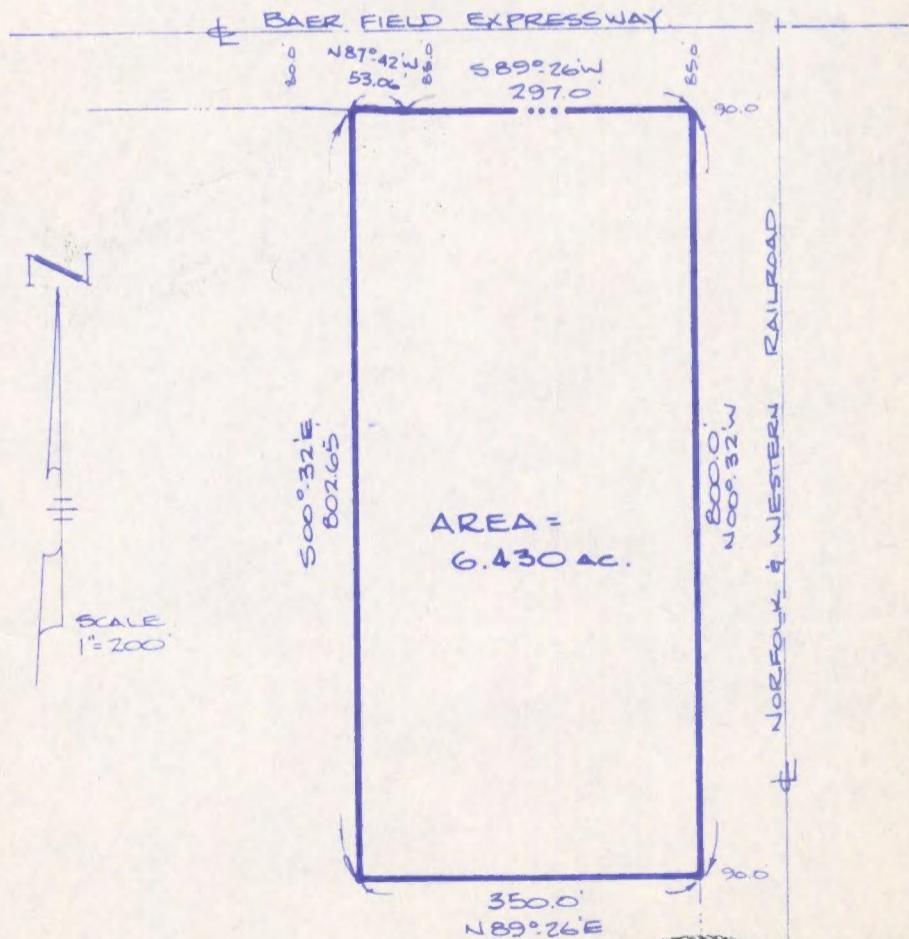
## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

Part of the Northwest Quarter of Section 4, Township 29 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

Beginning at the point of intersection of the South right-of-way line of the Baer Field Expressway with the West line of the lands of the Norfolk & Western Railway Company; thence S 89°-26' W, on and along said South right-of-way line, a distance of 297.0 feet; thence N 87°-42' W, continuing along said South right-of-way line, a distance of 53.06 feet; thence S 00°-32' E and parallel to the West line of the lands of the Norfolk & Western Railway Company, a distance of 802.65 feet; thence N 89°-26' E, a distance of 350.0 feet to a point on the West line of the lands of the Norfolk and Western Railway Company; thence N 00°-32' W, on and along said West line, a distance of 800.0 feet to the point of beginning, containing 6.430 acres of land, subject to all easements of record.



PREPARED FROM EXISTING RECORDS. NOT A FIELD SURVEY.

I hereby certify on the 6th day of March, 1985 that the above survey is correct.  
Surveyed for: Mike Dahm  
Survey No.:

*Zohrab K. Tazian*

EXHIBIT "A"



BILL NO. R-85-03-19

REPORT OF THE COMMITTEE ON

FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN ~~ORDINANCE~~ (RESOLUTION) FINDING, DETERMINING AND RATIFYING AN INDUCEMENT RESOLUTION OF THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION AUTHORIZING THE ISSUANCE AND SALE OF \$1,000,000.00 ECONOMIC REVENUE BONDS OF THE CITY OF FORT WAYNE, INDIANA FOR THE PURPOSE OF INDUCING THE APPLICANT PHD, INC., TO PROCEED WITH THE ACQUISITION CONSTRUCTION AND EQUIPPING OF THE PROJECT

HAVE HAD SAID ~~ORDINANCE~~ (RESOLUTION) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ~~ORDINANCE~~

(RESOLUTION)

DO PASS

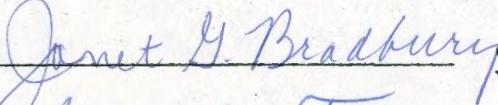
DO NOT PASS

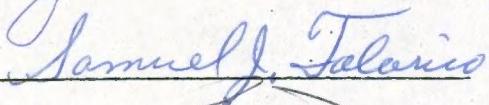
WITHDRAWN ~~REREFERRED~~

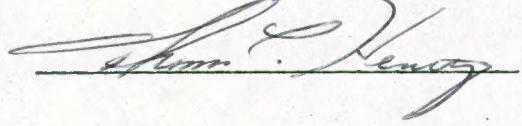
YES

NO

  
BEN A. EISBART  
CHAIRMAN

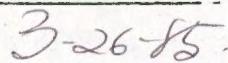
  
JANET G. BRADBURY  
VICE CHAIRWOMAN

  
SAMUEL J. TALARICO

  
THOMAS C. HENRY

JAMES S. STIER

CONCURRED IN

  
3-26-85.

SANDRA E. KENNEDY  
CITY CLERK